

REMARKS

This Amendment is being filed in response to the Office Action mailed April 27, 2009 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-14 remain in this application, where claims 6-14 had been previously added. Claims 1, 5, 9 and 12 are independent.

In the Office Action, claims 1-3, 5-7, 9-10 and 12-13 are rejected under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2005/0013216 (Kim) in view of U.S. Patent No. 7,158,466 (Tanaka). Further, claims 4, 8, 11 and 14 are rejected under 35 U.S.C. §103(a) over Kim in view of U.S. Patent No. 6,678,236 (Ueki). It is respectfully submitted that claims 1-14 are patentable over Kim and Ueki for at least the following reasons.

Kim is directed to a multi-layered high-density recording medium and an optical power adjusting method. As specifically recited in paragraph [0036]:

the optical disk apparatus accesses the lead-in area located on Layer 1 of the dual-layered BD-RE 200 by moving the optical pickup 50 (S11) and performs a pre-read/pre-write operation of reading the disk information and defect address management information (called `DMA`) recorded in the lead-in area and storing the read information in a memory (not illustrated in FIG. 6) contained in the optical disk apparatus (S12). Optical power related information is read once by the pre-read/pre-write operation. (Emphasis added)

Kim further recites in paragraph [0042]:

If a request for a layer jump, for example, a jump from Layer 1 to Layer 2, is received while a read/write operation is being performed (S21), the VDR system 51 adjusts the optical power of the LD suitably for Layer 2 by consulting the optical power adjustment-related information for Layer 2 stored in the memory (S22) before starting a read/write operation on Layer 2 (S23). (Emphasis added)

That is, the power level is stored in the device memory, and not on the disc itself, as paragraph [0042] of kim specifically recites that the "memory (not illustrated in FIG. 6) [is] contained in the optical disk apparatus (S12)."

It is respectfully submitted that Kim does not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 5, 9 and 12 which, amongst other patentable elements, recites (illustrative emphasis

provided):

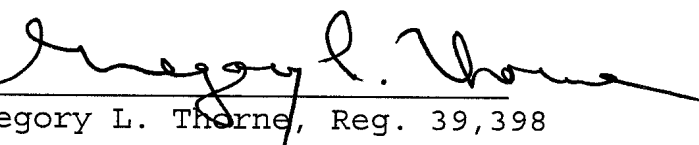
an initialization step of writing information patterns representing control information in at least one of the inner control information area and the outer control area of the second information layer, and in that the initialization step is located in time before the second recording step.

These features are nowhere disclosed or suggested in Kim. Ueki is cited to allegedly show other features and do not remedy the deficiencies in Kim. Accordingly, it is respectfully submitted that independent claims 1, 5, 9 and 12 should be allowable. In additions, claims 2-4, 6-7, 10-11 and 13-14 should be allowable at least based on their dependence from independent claims 1, 5, 9 and 12.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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